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ABSTRACT

The report describes and discusses the legal procedures which Massachusetts employs in disposing of the cases of apprehended juvenile offenders, as well as the residential and community programs which normally deal with this group. The legal procedures and treatment programs are viewed as social responses to behavior socially defined as deviant. Delinquent behavior per se and its causes are not a major focus. Three sections comprise the report: (1) a description of the pattern of arrest and disposition of all juvenile offenders in Massachusetts in 1967, and a discussion of the roles played by the police and courts; (2) a description of the residential programs of the newly reorganized Department of Youth Services and a consideration of its role; and (3) a description of "community treatment" services, with special emphasis on the role of the probation officer. In addition, some discussion is devoted to innovative programs in other states and to proposals for preventive programs in Massachusetts. (TL)

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by

Paul McGerigle
Research Director
1970 White House Conference Project

Massachusetts Committee on Children and Youth
9 Newbury Street
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FOREWORD

In preparation for the 1970 White House Conferences on Children and Youth MCCY drafted several basic documents that went into detail about special fields. This report on juvenile delinquency is the first of a series we expect to publish.

In our view the facts that Paul McGerigle presents here will help to clear up current misconceptions about children in trouble with the law. The conclusions drawn can serve as guidelines to action for the many individuals and groups deeply concerned about preventive services and the treatment and rehabilitation of juvenile offenders.

We wish to express our appreciation to the Commonwealth and to the Committee of the Permanent Charity Fund for their support of the research for the Conference. We are grateful also to officials and other experts in the field of juvenile delinquency who supplied information, advice and counsel in the course of the research and preparation of this document.

Reginald Robinson
Executive Director
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I. INTRODUCTION

This report is an attempt to describe and discuss the legal procedures the Commonwealth of Massachusetts employs in disposing of the cases of apprehended juvenile offenders, as well as the residential and community programs which normally deal with this group. These legal procedures and programs of treatment and rehabilitation are viewed as social responses to behavior socially defined as deviant. These responses rest upon the varying perceptions which the general public and various professional groups have of what a "juvenile delinquent" is.

It should be noted carefully that this paper deals largely with the apprehended offender. Very little will be said about the many factors which have been posited as possibly causing young people to break the law. Factual investigations and theoretical formulations in the field of delinquency causation are, of course, extremely important, but the focus here is upon the social responses to the behavior, not upon the behavior itself.

The report is divided into three sections:-

1- An attempt to describe for a single year (1967) the pattern of arrest and disposition of all juvenile offenders in Massachusetts. In connection with this a discussion of the roles played by the police and the courts is undertaken.

2- A description of the residential programs of the Department of Youth Services is combined with a discussion of the role of this newly reorganized agency.

3- A description of various other services, generally grouped under the rubric "Community Treatment," with special emphasis on the role of the probation officers who are attached to the District Courts. This section also includes some discussion of innovative programs now being used in other states and proposals for preventive programs here in Massachusetts.

In preparing this report it was striking to find unanimity among students of the subject regarding the unsatisfactoriness of our statistical information. While a number of cautionary notes are sounded in the first section of the report, it seemed impractical to detail the numerous technical problems which have arisen in connection with various types of statistical information. The subject has been adequately discussed in the report of the Governor's Advisory Committee. It is fervently to be hoped that the recommendations of that report will soon be implemented.

A final point should be emphasized. This report's focus is indeed a narrow one, and deliberately so. But within that focus enough

evidence appears to support the contention that truly changing the behavior of juveniles who repeatedly get into trouble with the law is a long, difficult and expensive process. In particular the high cost should not be minimized. Insofar as such juveniles are mentally ill, their treatment will be costly whether conducted in an institution or in a community setting. Under legislation newly passed the Department of Youth Services and the Department of Mental Health will be responsible for arranging such treatment. Other new programs will also be required, especially in the Community Treatment field. The work of probation officers must be supported and their caseloads should be lowered if improved results are to be achieved. While all such expenditures are a long-term investment in the future of the Commonwealth, the Legislature and interested citizens should be aware that improvements in the adequacy of our social response to the juvenile offender will only come through a long-term commitment to increased expenditures for the purpose.

II. COURT CONNECTED SERVICES

Definitions

There are numerous clear, definite and overlapping definitions of juvenile delinquency, many of which are simply taken as "given" by both the lay public and occasionally by professional personnel.

Of the three sources of definition, the first and most important is the law which establishes the status "delinquent" and, as we shall see, prescribes that certain behavior shall be so considered. The second is the general public which, in the aggregate, supplies both substantive content and emotional shading to the term "juvenile delinquent." The last, and the one about which little is known, is the young person who must, in his own mind, come to some kind of conclusion about what his "label" means to him.

Legal Definition

There is a delusive solidity to the definition of a delinquent in Chapter 119, Section 52 of the Massachusetts General Laws:

"A child between the ages of seven and seventeen who violates any city ordinance or town bylaw, or who commits any offense against the law of the Commonwealth."

Examination of the facts soon indicates that this definition should be amended in two important respects. Only children who are apprehended and recorded are in reality subject to be defined as delinquent. Of even greater significance is the fact that only after a judicial process is gone through is a "law-violater" actually designated as a delinquent. Thus the definition quoted above simply lays open a substantial portion of the population to the possibility of being so defined.

The 1968 Report of the Juvenile Delinquency Subcommittee of the Governor's Committee on Law Enforcement and Administration of Justice comments upon the legal definition:

"Some of these laws establish offenses which pertain only to minors, such as being a school truant, a runaway, or a stubborn child. Violations of these offenses account for many of the charges of delinquency. Other offenses, which account for high numbers of court appearances, are drunkenness, shoplifting and using an automobile without authority. This latter offense accounts for nearly one-fourth of the total cases brought to court in Boston."

(Governor's Committee on Law Enforcement and Administration of Justice, Juvenile Delinquency in Massachusetts, p 4)

Indeed it is this aspect of the Massachusetts law which has led to many misunderstandings of our true situation. Regrettably Massachusetts law, in this instance, is quite representative of laws throughout the country. Among many sources which could be quoted there is the following statement of principle by the United Nations Congress on the Prevention of Crime:

"The meaning of the term juvenile delinquency should be restricted as far as possible to violations of the criminal law.

"Juveniles should not be prosecuted for minor irregularities or maladjusted behavior and should not be prosecuted for behavior which, if exhibited by adults, would not be a matter of legal concern."

(LaMar Empey, Alternatives to Incarceration, p 24)

In the Harvard Law Review an article dealing mainly with a detailed analysis of judicial processes makes an interesting generalization about the attitude toward legal definitions of "delinquency" which are held by men of good will who are policemen, juvenile probation officers and judges of juvenile courts:

"The law is viewed...as a code of behavior, the violation of which is taken as symptomatic of an interior disorder and is used to identify children to be taken into custody and helped."

(David Barrett, William Brown and John Cramer, "Juvenile Delinquents, the Police, State Courts and Individualized Justice," p 804)

Society's Definition

This seems an ideal statement of the use of any legal prohibition as an instrument for casefinding. The offender is to be given guidance, support or treatment rather than punishment. Yet this benevolent attitude, which is held by a large number of those most deeply concerned with the subject, is not shared by the society as a whole. To them

the law primarily represents not a casefinding system (in any sense) but rather a set of rules which must be enforced if the society, itself, is to survive.

This report will certainly not attempt a description of attitudes and meanings which for the general public center around the words "juvenile delinquency." It has absorbed into itself the image of the teen-age murderer, the purse snatcher, the rambunctious gang of boys out "looking for trouble," the drug-user and the underage drinker. More to the point, perhaps, it has become a term for a disapproved but recognized role in the community. It does not appear to be applied to individuals as often as it is to groups who, for whatever reason, make someone older than themselves momentarily uncomfortable or fearful.

There seems no question that in Massachusetts there is deep concern and anxiety regarding "delinquency" in this generalized sense. The Becker poll done during 1969 for the Boston Globe sought expressions of opinion on the "relative seriousness" of thirty-five broadly defined problems. "Drug and narcotic abuse among youth" was ranked as "very serious" by 80% of the respondents, which was eleven percentage points higher than any of the other issues on the list. While the term "delinquency" was not used, "lack of respect for authority by young people" seems the closest to the generalized societal concept of the delinquent as described above. This "problem" was rated as very serious by 65%--ranking it fourth among the thirty-five.

It is instructive to look backward to the legal definition of the "delinquent" at this point. It would seem that the community's definition of "delinquent" is very similar to the legal definition without the two practical limitations of apprehension and adjudication which have already been pointed out. A delinquent is a law breaker and whether or not he is actually apprehended in the act makes little difference. While it is not provable, there is considerable popular belief that vast numbers of juvenile crimes go undetected and unpunished.

Within this very generalized definition there is an infinite variety of qualifications. An opinion survey of the Massachusetts public would in all likelihood show that certain offenses and styles of behavior cause considerably more concern than others. In that sense the term "delinquent" acquires greater or less affect depending on the context in which it is used.

"Breaking the law" is a unitary concept. The severity of punishment is directly related to the society's evaluation of the seriousness of the offense. Yet there is certain feeling in Western culture that all offenses against the law are in moral terms alike. In this view the law is a code established by the representatives of society for the protection of the citizens, by which is meant those who have some claim to belong to the community. Violations of this code by adults or minors are in a very real sense offenses against the society as a whole. It is this view of the law which serves as background to the society's definition of "delinquent" and all that comes after.

Self Definition

To this point we have described only the interaction between the words of the statute books, the society whose representatives write these words and the men and women who must interpret them every day. The self-definition of a delinquent remains to be discussed.

We have already pointed out that the older members of society identify certain behavior as "delinquent" and define certain groups as delinquents. It is also true that many juvenile gangs develop a group image of themselves as delinquents, although they would use other terms showing the positive values they found in being beyond adult control and in that sense above adult society. A boy or girl wishing to become part of such a group must be prepared to internalize these values in some way. If the delinquent group gives him the only genuine satisfaction he finds in an otherwise empty and boring life, this is not too hard to do.

Yet this is not the only result. There seems impressive evidence that negative self-images, feelings of anomie and basic mistrust of others are found much more commonly among youth in trouble with the law. Robert Gordon in his study of delinquent and non-delinquent gangs in Chicago found that members of the delinquent gangs showed more hostility and mistrust of their peers than did the non-delinquent gangs. Some other writers have reported similar findings, although evidence for the opposite conclusion has also been entered.

"The moral career of the lower class juvenile gang boy often begins at age 6, 7 or 8 when he is defined by his teachers as 'predelinquent' for demonstrating to his friends he is not a 'sissy', and it ends between the ages of 16 and 25 when he either takes a job, goes to college, joins the Army or becomes a criminal. Although much of his behavior during this period can be seen and is seen by him as a voluntary set of claims on one of the temporary social identities available to him as a lower-class 'youth', his final choice of an 'adult' identity will depend in large measure on the way his moral character has been assessed, categorized and acted upon by his parents, teachers and officials of the law as well as on the attitudes and actions he has chosen in response."

(Carl Werthman, "The Function of Social Definitions in the Development of Delinquent Careers," U.S. President's Commission Task Force Report on Juvenile Delinquency and Youth Crime, p 155)

Certainly one of the long-range devices for the reduction of law breaking by juveniles would appear to be the development by our society of new roles for young people. These roles will involve participation in interesting activities with likeable peers. When possible, also, these roles should involve some economic reward, which should be thought of as a device to reinforce the positive valuation of the role. The need for such roles clearly goes far beyond the behavior we label

delinquency. Yet insofar as delinquency is a labeling process, the development of new "social identities" would be a constructive step.

This discussion refers to law-breaking as a result of participation in social groups. For the individual the delinquent behavior may seem unpleasant or even dangerous but is engaged in because the alternative is criticism or rejection by the group. However, for a juvenile who repeatedly commits crimes on his own or with one chosen companion, acting in secrecy, the psychological situation is different. He does not need or even want the support that the social approval of a gang would bring. In some cases such youths are mentally ill and are not in any sense playing a role which has a basis in reality. In the remainder the role being played is that of "criminal" with whatever implications that concept may have in the social world with which the boy is familiar.

Definition Used Here

In the remainder of this report the legal definition of delinquency, with the two specified limitations, will ordinarily be used. All available statistical information relies upon that definition, at least by implication. What this means is that only apprehended and adjudicated lawbreakers are defined as delinquents.

It would be satisfactory and convenient to have some measurement of "total lawbreaking" in a community. This would coincide with the broad social definition of delinquency as we have described it. Some "rules of thumb" have been adopted by various law enforcement agencies to arrive at an approximation of such a figure. For the purposes of this report it seemed unwise to enter this speculative territory.

Much of the wild, rambunctious, unseemly behavior of young people is illegal if only because it "disturbs the peace"-- a phrase which in itself conveys an unrealistically rural flavor in our heavily urbanized Commonwealth. Such behavior is easily noticeable and grossly repugnant to the great majority of the adult population. Our intensely decentralized system of law enforcement allows us to establish informal levels of "the peace" which the police must keep. What is allowable on Salisbury Beach in July is not to be contemplated in Conway at any time. The rise and fall of the levels of allowable juvenile behavior in itself creates discomfort for many. It will be necessary to refer once again to these differentials in law enforcement in the sections to come.

Incidence of Arrests

"It is known that moral defection and extensive depravity have long existed among the youth of both sexes in this city." Jacob D. Wheeler, 1823.

In 1823 Jacob Wheeler, an attorney of New York City, examined the records of the City Hall and Discovered that out of a population of 132,000 a total of 1,650 persons were charged with crimes in the police court, an incidence of 13 per thousand. Of these one-third, approximately 550, were under 21 years of age. On this basis he came to the conclusion quoted above.

(Lauretta Bender, "A Psychiatrist Looks at Deviancy as a Factor in Juvenile Delinquency," pp 35-42)

Like the definition of delinquency the whole process of determining the incidence of crime, juvenile or adult, is a difficult enterprise. Nationally the President's Commission on Law Enforcement found the establishment of reliable figures a difficult—in fact an impossible—task. Here in Massachusetts the Governor's Committee on Law Enforcement and Administration of Justice has written at length on the need for an information system to replace the disorderly aggregation of statistical sources which now exists. What follows, then, is not advanced with confidence. It is a selection from a multitude of statistics, of a few facts which appear to be reliable and relevant.

"Several police departments also reported to the Committee that a large percentage of the delinquent offenders are never referred by them to the courts. In Boston, last year, for example, nearly 3,000 of the total of 5,300 youth who could have been formally charged were merely warned and returned home to their parents. Thirteen hundred of 2,000 received the same type of warning in Springfield. In some of the less populous cities, the ratio of offenders who are merely warned by the police was even greater...Information received by the Committeee indicates that the smaller the community, the smaller the percentage of delinquent offenders who are referred to court."

(Governor's Committee on Law Enforcement and Administration of Justice, Juvenile Delinquency in Massachusetts, p 4.)

There seems no practical possibility of obtaining complete or comparable state-wide statistics for police contacts with juveniles. Neither does there appear to be any way of developing total figures for the number of citizen complaints, which would give us some measurement of the number of crimes not cleared by arrest. Therefore, the category "persons arrested" was chosen as the best available statistical measurement of law breaking by juveniles.

The figures on arrest are used in preference to those for court appearances. This was done for several reasons. A large number of arrested youths never are brought to court, a circumstance which will be discussed below. Also, it is possible to use the arrest records to ascertain the offenses which young people are charged with committing.

In the year 1967 a total of 25,007 juveniles (17 and under) were arrested in Massachusetts. Of these 12,723 were arrested in the 39 cities of the Commonwealth while 12,284 were arrested in the 312 towns.

A complete breakdown by charges against these juveniles is available only for the cities. These comprise almost exactly half the total arrests made. While these "city" figures given in Table I overrepresent the more serious crimes, they appear generally credible in showing the distribution of juvenile offenses. It should be remembered, that these figures represent arrests by city police departments not arrests of city residents. The classification is that of the FBI, now adopted by the State Department of Correction.

TABLE I

JUVENILE ARRESTS IN CITIES

Offense	Number of Arrests
1 - Murder and Manslaughter	10
2 - Rape	23
3 - Robbery	208
4 - Aggravated Assault	213
5 - Burglary	1,256
6 - Larceny/Theft (Usually over $50.00)	1,230
7 - Car Theft	1,645
8 - Other Assaults	299
9 - Arson	67
10 - Forgery	29
11 - Fraud	10
12 - Stolen Property	73
13 - Vandalism	291
14 - Weapon Carrying	43
15 - Prostitution	16
16 - Sex Abuses	109
17 - Narcotics	111
18 - Gambling	8
19 - Offenses against Family	19
20 - Driving Under Influence	53
21 - Liquor Law Violations	85
22 - Drunkenness	1,223
23 - Disorderly Conduct	744
24 - Vagrancy (does not apply to juveniles)	0
25 - All other	1,266
26 - Suspicion	90
27 - Curfew/Loitering (applies to juveniles only)	143
28 - Runaways (applies to juveniles only)	602
29 - Traffic and Driving Violations	2,857
TOTAL	12,723

In ranking these figures it was found that almost 75% of all arrests were concentrated in just six categories:

29	- Driving and Traffic	2857
7	- Car Theft	1645
25	- All Other	1266
5	- Burglary	1256
6	- Larceny/Theft	1230
22	- Drunkenness	1223
	TOTAL	9477

The most obvious fact these figures reveal is the importance of the automobile as an item of property and the significance of driving as an exercise in obeying the law. That slightly more than one-third of all city arrests should be directly associated with the automobile suggests that the psychological and social need for young men to have access to an automobile may be one of the more important facts of our time--one with many unlooked for implications. Massachusetts has, for a number of years, led the entire nation in the ratio of car thefts per thousand population. One source has suggested that a contributing factor is the substantial amount of money which must be paid to register and insure a Massachusetts car, especially in Boston, and especially for younger drivers.

The relatively high number of "All Other" offenses is a frustrating aspect of these figures. It would be desirable to obtain some information on the types of charges these were, but at the present time this seems impossible. It is unclear whether"Stubborn Child Offenses" are included in this category or under "Runaways."

The Burglary and Larceny arrests, taken together, include 2486 of the total, about 19.5%. This relatively large proportion of arrests indicates that such "economic crimes" by juveniles must be considered a significant law enforcement problem. There has been a good deal of speculation regarding the motivation for such crimes. The Federal Bureau of Narcotics and other agencies specializing in drug law enforcement claim that much of it is committed by youths anxious to get money to buy heroin. Other police officials submit evidence, mainly anecdotal, that much stealing is done by youngsters from middle-income or affluent homes who discard the goods as unwanted or unneeded. There have also been some impressionistic reports that those who are arrested for economic crimes are often "unskilled" delinquents who take foolish risks and commit unplanned robberies which are said to be more easily detected. Workers with gangs of low-income youth have reported that in many cases their stealing is motivated solely by the need of money even in the absence of any pattern of drug use.

Arrest figures for the towns include specific charges for the first seven categories only. In Table II we also include arrests in categories 27 and 28 which apply to juveniles only.

TABLE II

JUVENILE ARRESTS IN TOWNS

Offense	Number of Arrests
1 - Murder/Manslaughter	7
2 - Rape	14
3 - Robbery	40
4 - Aggravated Assault	50
5 - Burglary	1,074
6 - Larceny	840
7 - Car Theft	974
27 - Curfew Violations	112
28 - Runaways	523
Other - Unclassified	8,600
TOTAL	12,284

The information available on town arrests makes it clear that they are rather different from that which is shown in the cities. The first seven categories are selected by the FBI as the more serious offenses. In the towns 2,999 (24.4%) of all arrests were for the first seven categories, termed "Index Crimes." In the cities 4585 (36.0%) were found in these categories.

In the Children's Bureau Study of the Division of Youth Service and Youth Service Board the 1965 Massachusetts population ages 10-17 is estimated as 797,788. Since this segment of the population is growing rapidly at the present time, this figure may now be somewhat low but will be used in the following calculations for lack of more accurate information. It amounts to approximately 13.4% of the entire 1965 Massachusetts population.

Arrests of persons under 17 for all offenses in 1967 numbered 25,007. Thus, 3.13% of Massachusetts juveniles were arrested in 1967. (Obviously this ignores possible multiple arrests of one person, an assumption criminal statistics seem universally to make.) Expressed in another way it may be said that 3134 of every 100,000 young people were arrested.

Of these arrests 7584 (30.3%) were for the more serious crimes on which the FBI bases its "Crime Index." This means that 69.7% of arrests were for lesser offenses, including traffic violations. It also means that just a little bit <u>less</u> than one percent of the juvenile population was arrested for a serious crime in 1967. (The actual percentage is .95%.) Expressed as a rate it comes to 950 per 100,000 of young persons so arrested.

There are and there will continue to be many contradictory interpretations of existing crime statistics. It must be remembered that the figures we have been discussing refer to arrests only. They do not, at first glance, appear to support the popular image of widespread, nearly endemic law-breaking among the young. They show a pattern of arrests concentrated chiefly on offenses involving automobiles...including theft and misuse...and the "economic crimes" of burglary and larceny. In the figures for arrests in cities it is noteworthy that arrests for narcotics offenses are less than 1% of the total arrests, a figure much below the one which might be expected given the substantial public concern so often expressed.

Yet perhaps there is less here than meets the eye. That there is <u>more</u> juvenile law-breaking is undeniable, although its extent is debatable. Some persons, especially in low-income areas, do not report crimes to the police. Of those which are reported not all can possibly be cleared by arrests. In particular this applies to the complaints of noisy, unruly gangs "looking for trouble" which form the burden of many citizen complaints, and which incidentally provide the image of the "delinquent" to much of adult society. Most difficult of all to clear by arrest are crimes which occur with the consent of all parties involved, the category to which narcotics offenses belong. Estimates of actual drug use vary widely in various parts of the country, and even in the Boston area.

There is another technical factor which is important. The arrest figures which have been quoted include only young people up to the age of seventeen. To much of the public young persons up to the age of twenty-one are thought of as minors. National data from the <u>FBI Crime Reports</u> indicate that there is a high incidence of crime in the 18-21 year age group, a fact which is not reflected in our arrest figures.

The emphasis placed by the FBI and other law enforcement agencies on the statistical increases in juvenile law-breaking have reinforced an already existing popular impression that juvenile law-breaking represents a major proportion of all crime being committed. In the case of Massachusetts it is possible to develop some perspective on the problem by comparing statistics for juvenile and non-juvenile arrests in 1967. Again it must be cautioned that in these statistics those in the 18-21 year age group are included as adults, and it is impossible at the present time to develop a practical method of estimating their impact on these figures.

The figures in Table III are for cities only since appropriate juvenile figures for towns are not presently available except for the Index Crimes.

TABLE III

CITY ARRESTS - TOTAL AND JUVENILE

FBI Number	Charge	Total Arrests	Juvenile Arrests	%Juvenile of Total
1	Murder, Manslaughter	128	10	7.8
2	Rape	228	23	10.0
3	Robbery	817	208	25.4
4	Aggravated Assault	1385	213	15.3
5	Burglary	2887	1256	43.5
6	Larceny/Theft	4559	1230	37.0
7	Car Theft	2993	1645	54.9
8	Other Assaults	3153	299	9.4
9	Arson	174	67	38.5
10	Forgery	482	29	6.0
11	Fraud	363	10	2.0
12	Embezzlement	3	0	0.0
13	Stolen Property	615	73	11.8
14	Vandalism	695	291	41.8
15	Weapon Carrying	403	43	10.6
16	Prostitution	479	16	3.3
17	Sex Abuses	1048	109	10.4
18	Narcotics	1120	111	9.9
19	Gambling	635	8	1.2
20	Offenses against Family	2746	19	0.6
21	Driving Under Influence	2643	53	2.0
22	Liquor Law Violation	497	85	17.1
23	Drunkenness	46,041	1223	2.6
24	Disorderly Conduct	2976	744	25.0
25	Vagrancy (defined as 18+)	316	0	0
26	All Other	4953	1266	25.5
27	Suspicion	658	90	13.6
28	Curfew/Loitering (defined under 18)	145	143	99.3
29	Runaways (defined under 18)	602	602	100.0
30	Traffic Violations	71,031	2857	4.0

In 1965 the estimated Massachusetts population ages 10-17 was approximately 13.4% of the total population. Clearly the juvenile population is overrepresented in such arrest categories as car theft, burglary, vandalism, larceny, and arson.

Just as clearly those over 17 are overrepresented in drunkenness, traffic violation, family offenses, such "sophisticated" crimes as fraud and forgery, and crimes against the person, with the exception of aggravated assault. The relative paucity of arrests of juveniles for driving under the influence is noteworthy, contradicting the popular image of drunken teenage dragsters.

In the entire state, cities and towns combined, a total of 248,894 arrests were made in 1967. Of these 25,007 were of juveniles, a percentage of 10.0. However, limiting the figures to the first seven categories which constitute the FBI's "Crime Index" we find that of a total of 20,508 arrests 7,603 were of juveniles, a percentage of 37.0.

Juvenile participation in "serious crime" is heavily concentrated in the burglary, larceny and car theft categories. Drunkenness and traffic offenses, while significant from a numerical point of view, reflect the general "popularity" of these two crimes in our culture. Adults, rather than juveniles, are especially prone to arrest for these categories of offenses, as well as for serious crimes against the person.

In the June, 1968, issue of Federal Probation Lauretta Bender discusses incidence of juvenile court cases in New York City, which from 1940 through 1966 have varied between 4.0 and 8.2 per thousand. These cases involve young persons from 10 through 15. She feels this shows a remarkable stability in the incidence of youthful lawbreaking, and points out that the figures developed in 1823 by Jacob Wheeler, quoted at the beginning of this section, appear to be congruent with this.

"High points (to 8.0) occurred in 1945, 1958 and 1962, when the increasing delinquency rate was highly acclaimed. Low points (to 4.0) occurred in 1940, 1950 and 1965, not so readily explained. A mean of 6.5 per thousand is a figure...that should be a subject for study.

"There is evidence that variations in the incidence of juvenile delinquency are as much determined by police activity, availability of protective services, population variants, methods of recording data and statutory changes, as well as the many and exaggerated reports in the mass media, as it is by the delinquent behavior of youth, itself, or the social, cultural and ideological influences so widely acclaimed."

(Lauretta Bender, "A Psychiatrist Looks at Deviancy as a Factor in Juvenile Delinquency", p 37.)

The material presented here has dealt with the numbers of young persons arrested in the year 1967. In each of these 25,007 cases it may fairly be said that the Commonwealth was given an opportunity to help, and indeed assumed an obligation to help--to take such action as would effectively prevent further law breaking, as the very least which might be expected. Let us see what transpired.

Your Day in Court

As so often happens when investigating the origins of health and welfare programs, we find that special hearings for juveniles were largely a late 19th century Massachusetts innovation. Acting from generous, optimistic and responsible impulses, informed by the best knowledge of their day, with popular support based on the many liberal religious congregations in the Bay State, the liberals of the day through their willingness to experiment made Massachusetts the social laboratory of America.

"In 1861 the mayor of Chicago was authorized to appoint a commissioner to hear and decide minor charges against boys between 6 and 17 years old and to place them on probation or in a reformatory. In 1869 a Massachusetts statute provided for the presence in a court of an agent of the state in cases where the child might be committed to the State reformatory; the agent was also charged with finding foster homes in suitable cases and paying subsequent visits to them. A law of 1870 required separate hearing of children's cases in Suffolk County (Boston) and authorized a representative of the Commonwealth to investigate cases, attend trials and protect children's interests. The separate trial statute was extended throughout the Commonwealth in 1872, followed in 1877 by provision for separate sessions, dockets and court records in juvenile cases."

(U. S. President's Commission on Law Enforcement, Juvenile Delinquency and Youth Crime, p 3).

With the exception of the establishment of the Boston Juvenile Court and some procedural changes little has been added procedurally since 1872.

The following summary of procedure is abstracted from one recent assessment, Daniel Glosband's Report to the Massachusetts Committee on Children and Youth: Juvenile Cases in Massachusetts Courts.

1- Assuming that a youth has been arrested for a non-capital offense, he may be detained by the police if approved facilities are available or will be released to his parents with assurance he will be summoned before the Court.

2- The arresting officer must contact the probation officer of the court of the district in which the offense was committed; he must notify at least one parent if the juvenile is detained; and he must summon the parent as well as the child if summonses are to be issued. In addition the arresting officer must apply to the clerk of court for approval of his complaint.

3- When the juvenile appears in court, the probation officer conducts the initial interview with him and parents, obtaining basic identification and biographical information.

4- The juvenile then is taken before the judge who advises him and the parents of their right to counsel. Counsel must be appointed, if not already on the scene, if there appears to be a possibility of commitment to the YSB. (In 1966 Judge Poitrast of the Boston Juvenile Court indicated between 35% and 40% of his cases had defense counsel.) (Barrett, Brown and Cramer, op. cit. p 796).

5- Technically the juvenile is still "on arraignment". If the hearing is not to proceed at once, the judge may commit the juvenile to the Department of Youth Services for detention until the hearing or he may release him in the custody of his parents.

6- The attorney, if he is to be court appointed, is contacted and is given time to prepare a defense.

7- The hearing, whenever held, is on evidentiary facts. Procedures are those for a District Court criminal trial. The judge then has the power to adjudge the juvenile "delinquent" or "non-delinquent" or he may adjudge him a "wayward child".

8- The judge may also, if he chooses, indicate that while the evidence justifies a finding of "delinquent" he will "continue the case without a finding." In such a case a first or minor offender will ordinarily be under the supervision of a probation officer without being legally labeled a delinquent. Since the judge has the additional power to revoke this finding and adjudge the juvenile "delinquent" at any time, this realistic threat may serve to keep the juvenile from further lawbreaking. A judge may request the probation officer to make an extensive social report on the juvenile's home life and background or may demand testing by the court clinic or by Department of Youth Services before disposition.

9- In addition to "continuance without a finding" which technically is not considered a disposition of the case, there are twelve distinct dispositions which may be made by the judge. Often the disposition is made as a result of a recommendation made by the probation officer in charge of the case. Any of the following list of dispositions may be suspended by the judge, thus nullifying the practical effect of the disposition:

A- Default--Usually this is an interim disposition, made when the juvenile has not appeared in answer to a summons. It will be revoked if the defendant later appears.

B- Released/Dismissed--Cases in this category are those in which not enough evidence exists to warrant a finding of delinquency, those in which the offense is very minor and those in which juveniles "on continuance" have responded favorably to the probation officer's supervision.

C- File--Occasionally this is the initial disposition but usually it is made after a continuance or suspended sentence. A judge may file a case with or without a finding of "delinquency." The judge may reactivate the case at any time until the child is eighteen. A juvenile has the right to ask that a case be reopened and final disposition be made. As with "continuance" the court keeps the case in a state of suspended animation pending future developments.

D- Department of Youth Services--This disposition places the juvenile in the hands of the Department which then is obliged to make a further disposition. Juveniles so committed are ordinarily the responsibility of the Department until age 21 unless discharged in some manner.

E- County Training Schools--Judges in Middlesex, Hampden and Essex counties may commit boys guilty of such offenses as habitual truancy, school offenses and similar charges to the "truant schools" operated by those counties. Judges in other counties may also commit to those institutions, purchasing the service from those counties. Committal is till age 16.

F- Fines--Fines are limited to punishment for motor vehicle offenses.

G- Probation--The juvenile may be placed in the care of a probation officer for a specified time. If the judge wishes, he may do this without imposing sentence. On the other hand, he may impose a sentence and then suspend it pending the outcome of the probation.

H- Bound Over--A juvenile over the age of fourteen arrested on a serious charge may be held for action by a grand jury. This necessitates dismissing the original complaint and transferring control of the case to the juvenile session of the Superior Court. It should be pointed out that a juvenile may appeal either the finding or the disposition of his case to the Superior Court which will then order a new - and more formal - trial.

I- Not Delinquent--This is a finding equivalent to "not guilty" in a criminal case.

(Massachusetts Committee on Youth and Children, Juvenile cases in Massachusetts Courts, pages 3-5, 37-40, p 74).

The information in Table IV is based upon figures for the Findings and Dispositions of the District and Boston Juvenile Courts for calendar 1967.

TABLE IV

DISPOSITION OF JUVENILE CASES IN 1967

Finding of Disposition	District Courts	Boston Juvenile Court	Total	% of 25,007 Arrests	% of 17,658 Court Cases
All new cases	15,934	1724	17,658	70.6	100.0
Dismissals	4,572	583	5,155	20.6	29.1
Not heard before end of year	565	192	757	3.0	4.2
Not Delinquent	754	184	938	3.7	5.3
Found Delinquent	5,761	765	6,526	26.0	36.9
Probation with no suspended sentence	1,158	161	1,319	5.2	7.4
Probation with suspended sentence	1,540	127	1,667	6.6	9.4
Commit to Youth Service Board	697	30	727	2.9	4.1
Commit to County Training School	169	13	182	.7	1.0
Filed after finding of delinquency	777	338	1,115	4.4	6.3
Fined	872	0	872	3.4	4.9
Continued after finding of delinquency	241	0	241	.9	1.3
Bound over to be tried as adult	141	0	141	.5	.7
Case continued before finding (usually means probation)	4,978	0	4,978	19.9	28.1

Obviously the list given in this table contains overlapping information. The columns are not totalled since it was not intended to account for all possible dispositions and findings. Some of Glosband's original categories have been omitted because the numbers involved were quite small. The intent here is only to show what percentages of those originally arrested and those brought to court found their way into the various significant categories of findings and dispositions.

The Role of the Police

Perhaps the most interesting number is one which is missing entirely from the chart, that is the number of those who never reach court. (Before exploring this, it should be pointed out that 833 cases not heard at the end of 1966 are presumably included in the "new cases" heard in 1967, more than making up for the 757 cases not heard at the end of 1967. The 66 case differential does not materially change the result.) The figures show that 7349 juveniles arrested in 1967 never reached the courtroom, having been discharged by the police with a warning or perhaps an informal talk with a probation officer. This amounted to 29.4% of all those arrested during the year.

This finding is of great significance for those planning more adequate services for juvenile offenders. Since more than one-quarter of all those arrested do not reach the doors of the courtroom, some thought must be given to possible intervention at an earlier stage. It also highlights the necessity for a more sustained and consistent attempt to train law enforcement personnel to assess the behavior of the juveniles who have been arrested.

In recent years Massachusetts has made significant progress toward the goal of adequately training its police personnel. The creation of the Municipal Police Training Council, the establishment of a center for police training at Northeastern University and the interest shown by juvenile police officers have been most praiseworthy. It is hoped that the recommendations of the Governor's Advisory Committee on Law Enforcement for greater financial support for such training activities will be heeded by the General Court and local authorities.

Massachusetts is reflecting a national tendency for a substantial number of juvenile cases to be decided either by the police, themselves, or by some quasi-judicial process which takes place before and in place of a trial. The President's Commission discusses this phenomenon on the national scene, after pointing out that widespread indifference to informal aspects of bureaucratic operations makes accurate information hard to obtain. It would appear that the non-referral of arrested juveniles to court is a kind of extension of the pattern of "on the street" adjustment of offenses by individual police officers.

Arguments against informal handling revolve around the issue of legal protection of juvenile offenders. Arbitrary assumption of authority which is not specifically allowed to the police by the statutes is subject to misinterpretation at best and misuse

at worst. Application of such authority can degenerate into personalistic decision-making reflecting the individual's concern for his own convenience or status rather than the rights or needs of the arrested juvenile. The lack of procedural safeguards disguises the very real social and emotional consequences for the juveniles involved.

However, there are substantive arguments in favor of informal pretrial handling by police. The first and most significant is the common sense "give the kid a break" argument that establishing a "court record" for a relatively minor offense, with resulting legal, social, and emotional consequences, is not lightly to be engaged in. An arrest may have been necessary to end a disturbance or satisfy an aggrieved adult but the nature of the offense, or even the evidence that it took place seems insufficient to establish such a record. A second argument is that specific statutes and ordinances may be very vague about the conduct they aim to control and that a policeman, in effect, should have an option to interpret such statutes "liberally", that is, in favor of the suspected person. And the last argument is the practical one that courts are crowded, probation officers overloaded with cases, the paperwork relating to a court appearance is considerable and that the courts simply should not be loaded up with persons arrested for minor offenses.

(President's Commission on Law Enforcement, op. cit., pages 9 and 10.)

In their review of Juvenile Court procedures Barrett, Brown and Cramer, who are essentially critical of the assumption by the police of the judicial function because of the lack of safeguards for the rights of those arrested, are still forced to admit that "It may well be that the development of the non-statutory screening and settlement process and its evolution in many areas into a semiformal hearing are indicative of the need for such a procedure." (Barrett, Brown and Cramer, op. cit., p 785.)

While the "need" on this case is essentially the system's need for a "valve" so that the courts will not "overflow," there is also ample evidence that the removal of many juveniles from the system before appearing in court is satisfying to police,

parents and the juveniles themselves. This appears to be one of those rare cases in which each type of participant in the system agrees - for his own reasons - that such a policy is to his advantage.

James Wilson, comparing the handling of juveniles by a "professional" police force and a "fraternal" police force, found that contrary to the expectation of many observers the "professional" force made many more arrests of juveniles and that many more of those arrested were actually brought into court. In part this was because the "professional" force had organized its juvenile officers in such a way that they had developed an esprit, while the "fraternal" force established a "juvenile officer" in each precinct who was belittled by his fellow officers as "handling the kid stuff." The juvenile officers felt they occupied a low status job. Yet even more important was the personal background of the officers in question. Those in the "professional" force were middle-class men who had grown up in many different parts of the state and rarely spoke of personally experiencing delinquency in their own youth. In the "fraternal" force...here called that of "Eastern City"...the picture was quite different:

"There were, on the other hand, only one or two of Eastern City's (juvenile) officers who had not come from...a neighborhood where scrapes with the law were a common occurrence. The majority of Eastern City's officers were not only locals but locals from lower or lower middle-class backgrounds. Several times officers spoke of themselves and their friends in terms that suggested that the transition between being a street-corner rowdy and a police officer was not very abrupt. The old street-corner friends that they used to "hang" with followed different paths as adults but, to the officers, the paths were less a matter of choice than of accident, fates that were legally but not otherwise distinct. The officers spoke proudly of the fights they used to have, of the youthful wars between the Irish and the Italians, and the old gangs, half of whose alumni went to the state prison and the other half to the police and fire departments. Each section of the city has great meaning to these officers; they are nostalgic about some where the old life continues, bitter about others where the new elements--especially Negroes--have taken over."

(James Wilson, "The Police and the Delinquent in Two Cities," in Controlling Delinquents, pp 24-25.)

The result of this personal background, and the low status of the position of the juvenile officer, plus a feeling that the police officer is and should be a reacting human being rather than an impersonal law enforcer, results in behavior friendly observers would call compassion and unfriendly ones would call poor judgment. The quote below gives the flavor of the role of juvenile officer as one of these men sees it:

"Most of the kids arcund here get two or three chances. Let me give you an example. There was this fellow around here who is not vicious, not, I think, what you'd call bad; he's really a sort of good kid. He just can't move without getting into trouble. I don't know what there is about him ...I'll read you his record. 1958--he's picked up for shop-lifting, given a warning. 1958--again a few months later was picked up for illegal possession (of dangerous weapons). He had some dynamite caps and railroad flares. Gave him another warning. 1959--the next year he stole a bike. Got a warning. 1960--he broke into some freight cars. Taken to court and continued without finding (that is no court action) on the understanding that he would pay restitution. Later the same year he was a runaway from home. No complaint was brought against him. Then in 1960 he started getting into some serious stuff. There was larceny and committing an unnatural act with a retarded boy. So, he went up on that one and was committed to (the reformatory) for nine months. Got out. In 1962 he was shot while attempting a larceny in a junkyard at night...went to court, continued without a finding (that is no punishment). Now that's typical of a kid who just can't stay out of trouble. He only went up once out of, let me see ...eight offenses...I wouldn't say a bad kid despite the record...the bad kids: we don't have many of those."

(Wilson, op. cit., p. 18.)

It isn't clear in how many of these cases a formal arrest actually took place. However, the personalized, lenient style, which prefers to rely upon warnings and lectures rather than formal procedure comes through clearly. What seems significant is that to a professional in the field the "record" of the young man being discussed would appear a very bad one, indeed, and one which clearly calls for a serious attempt to intervene in a pattern of behavior growing progressively more anti-social. Such intervention need not, by any means, involve incarceration, nor need it involve labeling as a "delinquent." If the young man in question were the child of an affluent family which had

some sophistication about community resources, it is quite likely that psychiatric help would have been called upon long since. It is precisely the unavailability of such help to middle and low-income families...as well as their unwillingness to admit the necessity of professional assistance...which makes it seem necessary that other, publicly supported methods of helping such young people must be found. Reliance upon lectures and hope that internal controls will somehow successfully develop may well be effective in many cases, but in a case such as this where lawbreaking has become a clear and consistent pattern, such hope seems unrealistically romantic.

The Role of the Courts

Of the 17,658 cases which actually reach the courtroom a substantial number are never adjudicated. First of all 5155, 20.6% of those arrested and 29.1% of those appearing in court are dismissed. These cases include those in which there seems little evidence on which to base a "delinquent" finding as well as those in which the judge, like the juvenile officer quoted above, feels the juvenile should be "given a break." It also includes cases which originally had been "continued" and in which the probation officer feels the juvenile has responded favorably.

Continuance before a finding is made accounts for another 4978 cases, 19.9% of those arrested and 28.1% of those appearing in court. Such continuance ordinarily involves an informal arrangement whereby the juvenile is placed in the care of a probation officer who is then responsible for advising the judge at a later date whether or not further action is desirable.

Adding to these figures the 29.4% who have been disposed of by the police, and therefore never reach the courtroom, we find that of all those arrested 69.9% - little over two-thirds - are not adjudicated. Some of these, of course, may be revived again later at the request of the probation officers who are responsible for them. The available evidence, however, seems to support the conclusion that considerably more than half the juveniles arrested are released with no formal action taken.

The remaining 7525 arrested juveniles were adjudicated. This number amounted to 30.1% of those arrested and 42.6% of those who were brought to court. Of these 938 were found not to be

delinquent. This was 3.7% of those arrested, 5.3% of those brought to court, and 12.4% of those adjudicated.

Table V shows how the remaining 6587 cases were disposed of by the courts.

TABLE V

FINDINGS OR DISPOSITIONS IN CASES ADJUDICATED BY THE COURTS

Finding or Disposition	Total	% of 25,007 Arrests	% of 17,658 brought to court	% of 7525 Adjudicated
On probation with suspended sentence	1667	6.6	9.4	22.1
On probation with no suspended sentence	1319	5.2	7.4	17.5
Filed after finding of delinquency	1115	4.4	6.3	14.8
Fined	872	3.4	4.9	11.5
Committed to Youth Service Board	727	2.9	4.1	9.6
Continued after finding of delinquency	241	.9	1.3	3.2
Committed to County Training School	182	.7	1.0	2.4
*Other Dispositions	464	1.8	2.6	6.1
TOTAL	6587	25.9	37.0	87.2

*Other Dispositions include those bound over for trial as adults, appeals, and other dispositions too few in number to categorize. More cases appear in this list of dispositions (6587) than were adjudged delinquent (6526). The discrepancy of 61 cases probably reflects duplicate recording of some cases and/or clerical error.

Perhaps it should be reiterated that all data being presented are subject to many interpretations and many limitations. Data on arrests are derived from a multitude of police jurisdictions. Data on dispositions are obtained from a smaller number of sources, but must be prepared by clerical staffs already overburdened with work. Finally, and most important, interpretations of statistics inevitably emphasize certain findings while downplaying others. In the end it is impossible to emphasize each fact equally.

Having established these caveats, and at least by implication invited disagreement with the interpretation, it would appear that the figures which have been presented show a picture markedly at variance with that which might have been expected by a reasonable man of good will who thoughtfully reads the daily press. Rather than finding the police "cracking down" on juveniles, we discover that a large but unknown number of police contacts do not end in arrest and that of those which do 29.4% are released before ever appearing in court. Dismissals, continuances with informal probation and findings of not guilty reduce even further the numbers of juveniles who may be "found delinquent." In the end we find that only 26% of those arrested are actually labeled "delinquent" and that almost one-quarter of this group have their cases filed or continued after this finding is made.

The remarkable fact is that all this transpires in an atmosphere in which the rhetoric of the law enforcement establishment and that of at least some representatives of the judiciary is uncompromisingly punitive. Repeatedly the public is informed that juvenile lawlessness must be considered one of our major social ills and "stricter law enforcement" is the answer. Yet <u>in practice</u> it would appear that this rhetoric is largely set aside, that cases are considered on an individual basis and that sincere efforts are made by police, judges and probation officers alike to avoid labeling juveniles as "delinquent" and to employ incarceration as sparingly as they feel they can.

It is probably true that even the small number who are eventually incarcerated can and should be much reduced. But the fact that only 909 of those arrested were committed to the Youth Service Board or to the County Training Schools, representing only 36 out of every 1000 arrested and 120 of every 1000 adjudicated is not without significance. We are forced to the conclusion that our judiciary is not only less

punitive than many have supposed, but also far less punitive than some of its own members would give us to understand.

This exposition should not be interpreted as a plea for more punitive sentencing in the courts of Massachusetts. The essential ingredient of the system is and should remain a humanitarian concern for the welfare of the offender as well as a justifiable concern for the protection of the community. Nor should it be assumed that these juveniles whose cases are not adjudicated have not benefited from their experience. It is no doubt true that in many instances a stern lecture by a police officer, a probation officer or a judge may have a positive and lasting effect on the behavior of a juvenile, and it is clearly to his advantage if such an effect is felt without the inevitable deleterious results of a "delinquent" label.

Yet even when allowances are made for the positive aspects of the present system, an uncomfortable, nagging feeling remains that there may well be a number of young people taken into custody who could benefit from closer supervision and in some cases need psychiatric evaluation and treatment. At the present time neither the Commonwealth nor their own communities are willing to take the responsibility for showing continuing concern for the future behavior of these young men and women.

Juvenile Court Development In Massachusetts

One of the chief recommendations of the Governor's Advisory Committee on Law Enforcement was "the creation of a network of juvenile courts." Indeed such a recommendation has appeared in a series of special commission and academic studies dating back to the early 1950's. The arguments in favor of the creation of such a court system rest upon the desirability of having specially trained justices whose full time is devoted to handling the cases of juvenile offenders and, in Massachusetts, the reported wide variation between courts in the disposition of cases of essentially the same nature.

In the nation as a whole a substantial amount of criticism has been directed at juvenile courts in recent years. To some extent this has been brought about by a concern for procedural safeguards for the rights of the accused, a concern which was increased after the Gault decision handed down by the United

States Supreme Court in 1966. Yet even before this, the image of the juvenile court had been injured by a series of studies which concluded that the original enthusiastic expectations of the highminded, liberal and compassionate men and women who founded the juvenile court "movement" simply had not been fulfilled.

In discussing this mood of disillusion with the juvenile court as a rehabilitative institution, the President's Commission on Law Enforcement and Administration of Justice says:

"The failure of the juvenile court to fulfill its rehabilitative and preventive promise stems in important measure from a grossly over-optimistic view of what is known about the phenomenon of juvenile criminality and of what even a fully equipped juvenile court could do about it...Study and research tend increasingly to support the view that delinquency is not so much an act of individual deviancy as a pattern of behavior produced by a multitude of pervasive societal influences well beyond the reach of the actions of any judge, probation officer, correctional counselor or psychiatrist."

(President's Commission on Law Enforcement and Administration of Justice, Juvenile Delinquency and Youth Crime, p. 8.)

In continuing this assessment of juvenile courts the Commission notes:

"One reason for the failure of the juvenile courts has been the community's continuing unwillingness to provide the resources--the people and facilities and concern--necessary to permit them to realize their potential and prevent them from taking on some of the undesirable features of lower criminal courts in this country... One crucial presupposition of the juvenile court philosophy - a mature and sophisticated judge, wise and well versed in law and the science of human behavior - has proved in fact to be often unattainable...The survey of juvenile court judges reveals a scarcity of psychologists and psychiatrists - over half a century after the juvenile court movement set out to achieve the coordinated application of behavioral and social sciences to the misbehaving child. Where clinics exist, their waiting lists usually are months long and frequently they provide no treatment but only diagnosis...The dispositional alternatives available even to the better endowed juvenile courts fall far short of the richness and the relevance to individual needs envisioned by the court's founders."

(Ibid, pp. 7-8.)

Despite these criticisms the President's Commission concludes

that the separate handling of juvenile offenders remains an excellent idea. However, the limitations of any judicial institution in relation to rehabilitating individuals are very great. They recommend that the judges of juvenile courts see only cases in which there is "manifest danger either to the child or the community" and that other cases be disposed of through other community facilities.

The review of juvenile court practices by Barrett, Brown and Cramer arrives at a conclusion similar to that of the President's Commission. Pointing out that neither those police officers specializing in juvenile work nor juvenile court judges themselves have adequate training in the assessment of human behavior, although they may have a keen sense of the permissible styles of behavior in a particular community, they continue to say:

"Intuitive decisions are made with the best of intentions. Good will, compassion and similar values are so admirably prevalent through the system that they tend to forestall criticism. But expertise, the keystone of the whole venture, is lacking."

(Barrett, Brown and Cramer, op. cit., pp. 808-809.)

In later sections of this report it will be explained that in Massachusetts the judge who is hearing cases in a juvenile session frequently places his probation officer, and sometimes his court clerk, in a position of responsibility in which their recommendations regarding release, probation or confinement are usually followed. However, the judge has ultimate authority to dispose of each case as he sees fit, and the quality of trust which each judge places upon these advisors varies from court to court. Neither law nor custom requires him to subsume his judgment to theirs. Many judges also make use of reports prepared by psychologists and psychiatrists who are retained as consultants. Therefore, it may fairly be said that in some courts in Massachusetts the actuality closely approximates the stated goal; that is, decisions about release, confinement, probation or fines are in the hands of, or are significantly influenced by, "experts" with special training in appropriate fields.

Thus, the frequently made recommendation that Massachusetts institute a "network of juvenile courts" is not made because the

Commonwealth has utterly failed to move in the appropriate direction but because the highly decentralized District Court System has made it impossible to develop a consistent pattern which will apply to all offenders. As a result the accident of geographic location will frequently determine whether or not an offender will obtain professional help that might benefit him. The hope of those who advocate a comprehensive juvenile court system is that it would eliminate such inequities.

In the past year both the District Courts, themselves, and the Legislature have taken positive action to make the judicial process more uniform. In 1968 a committee of District Court Justices prepared a series of recommended procedural rules based upon the 1966 Gault decision. These rules are now being adopted in the various District Courts.

In 1969 the Legislature approved the creation of two new juvenile courts to be established in Springfield and Worcester. The significance of this step is that it has seemingly committed the Commonwealth to a piecemeal development of juvenile courts as opposed to the creation at one time of a totally new juvenile court structure. There are obvious practical advantages in the piecemeal approach. It eliminates the possibility that juvenile court justiceships would be sinecures in sparsely populated sections of the state. One rule of thumb indicates that a work-load of 1000 cases is sufficient to require a full time juvenile court judge. If this is the case, such courts should also be established in Quincy, Dorchester, New Bedford and Woburn.

Contemplation of this suggestion reveals why many have argued for the creation of a comprehensive state-wide system. If the piecemeal approach is to be followed, the courts with the smallest caseloads will for all practical purposes never obtain a full-time juvenile court judge. Thus the existing inequitable pattern of differing judicial processes in different courts will in no way be remedied and indeed will be perpetuated.

In casting about among Massachusetts courts which have jurisdiction over family matters it soon becomes clear that it is the Probate Courts--rather than the existing District Courts--which would have to give up a good bit of their present work. Instead of proceeding in this way it might well be possible to reconstitute the existing Probate Courts, adding to their existing jurisdiction the many types of family cases mentioned above and retitling them Family Courts. If this were done, no new system of courts would be created at all, although obviously the present number of Probate

Judges would have to be increased and salaries, now graded by size of county population, increased to reflect new responsibilities.

A Family Court would hear not only juvenile cases but also adoption, paternity, neglect, divorce and custody cases as well. In addition, such a court could hear cases involving the so-called "offenses against the family" and possibly proceedings for the commitment of persons alleged to be mentally defective or mentally ill. It would be essentially a lower court in which all defendants would have the right to appeal to the Superior Court.

This suggestion is made quite tentatively and obviously should be the subject of further study. It should be borne in mind that the Legislature has a long history of rejecting proposals which would create a new judicial entity to hear the cases of all juvenile offenders. The approach suggested here would make use of existing court facilities and would be adding to the responsibilities of existing judges. If further study shows that the change would be beneficial for children and their families, it might also be found to be more acceptable to the General Court.

All scholars writing on the subject seem to agree that the court - Juvenile, Family or whatever else it may be called - must be well staffed or it will be virtually useless. Staff would include adequate probation personnel, services of psychiatric and other specialized mental health personnel when and where it is needed, and good liaison with all community agencies, both public and private, that exist to serve the same children and young people who are brought into court. At the present time Massachusetts does not have enough appropriate and well-staffed community facilities which can assume the responsibility of providing professional assistance where it is needed. Unless the Legislature is willing to provide "the people, the facilities and the concern" mentioned by the President's Commission, <u>any</u> new judicial structure which might be established would be devastatingly ineffectual. In the following sections this same point will frequently be emphasized - that changes in policy toward more humane and understanding treatment of juvenile offenders must be combined with a commitment to support these policy changes over a decade of planned improvement of our courts, institutions and community programs.

III. INSTITUTIONAL CARE

The Commonwealth of Massachusetts has maintained institutions for the confinement of juvenile offenders since 1846 when the original Lyman School for Boys was established. Like many such institutions of the time it was intended to be a "school" first and a place of incarceration secondarily. Its founders' humanitarianism led them to believe that children rescued from the slums of Boston and the booming mill towns, after being properly educated, could become reputable hard-working citizens.

In the 124 years that have intervened since 1846 there have been many disputes regarding the proper purposes of institutions for delinquents. The discussion presented here is not intended to be comprehensive, rather it seeks merely to lay out some of the main themes of the disputed positions. Primarily this is being done because the practical management and policy decisions which determine the day-to-day treatment of juveniles are based upon these philosophical assumptions. This is true whether such assumptions are the result of careful consideration or are simply accepted without much thought when offered by others.

It seems fairly well established that in the general public's view the purpose of any correctional institution is to hold securely the offender and thus protect the community from his depredations. In this view the issue of "rehabilitation" is not raised. Another quite similar position is that the purpose of the institution is to punish those committed to it so that they will be fearful of committing more crime. In this view there is some hope of changing the behavior of these young people through their fear of punishment.

A second and widely accepted position is that the purpose of such institutions is to assist each delinquent to develop firm internal controls which will inhibit antisocial behavior. Adherents to this position believe that firm discipline must be combined with fair and reasonable rules and that juveniles must be led to respect the social order for its own sake. In various forms this philosophy underlies attempts to obtain conformity with working class, middle class or religious values.

A third philosophy, which has developed many variants, is that the purpose of juvenile correctional institutions is essentially educative. It is proposed that the residents should be exposed to a comprehensive educational experience--intellectual, social and emotional--which will improve their chances for a favorable life adjustment. Such a philosophy recognizes the necessity for practical

vocational training and emphasizes "personal adjustment" as an ideal. In recent years some have advocated a careful analysis of the needs or deficiencies of each delinquent so that institutions may give him new experiences that will compensate him for previous social deprivation.

The most recently developed philosphy is held by a relatively small but influential group who feel that the purpose of residential programs for youthful offenders is to bring about a change in their entire personality. This change should encompass relevant attitudes and beliefs, patterns of interpersonal relations and the ability to solve practical problems of living. In this view the treatment of each adolescent should be individualized with a view to relieving the tensions and stresses which have resulted in the behavior labelled delinquent.

All these descriptions are abstractions. In reality the personnel of residential institutions usually behave with normal human inconsistency, adopting certain aspects of several of these philosphies as experience or expediency directs. It would be very difficult to describe any institution, except perhaps a very small one, totally committed to any one of the philosphies described. Yet the issues raised inferentially regarding the effectiveness of various methods of changing human behavior are woven into the next section on the effectiveness of juvenile institutions in general.

Do Residential Institutions Rehabilitate Juvenile Offenders?

The only possible answer to the question posed by this section heading is that "rehabilitation" is measured in different ways by different authorities and that the relative success of such institutions is largely dependent on the type of measurement used. Almost any one of them can produce "success stories" of boys who went forth to become respected community members, but there has been no general agreement on the percentage of "successes" or "failures" which mark a given program as "successful" or "unsuccessful." Indeed, one author has pointed out that to his knowledge no correctional program ...adult or juvenile...has <u>ever</u> been abolished simply as a result of its poor record in rehabilitating offenders.

The concept of "rehabilitation" is not subject to easy definition. To that portion of the general public which perceives the essential purpose of correctional institutions as the restraint of the prisoners the idea of rehabilitation seems to connote changes which happen inside an individual <u>as a result of the punishment of being confined for a certain length of time</u>. The obvious corollary is that the

"program" of the institution, whatever it may be, has little effect on the outcome. Given these assumptions, it is perfectly logical for this part of the public to support longer sentences for those who commit crimes repeatedly rather than demanding more constructive correctional programming.

While not provable, it seems fairly apparent that persons with day-to-day contact with juvenile offenders, whether police officers, probation workers, correctional workers or institutional staff, maintain a more hopeful and less punitive viewpoint. While there are very real and significant differences in the beliefs of these various groups regarding the possibility of changing delinquent behavior, even the least optimistic in this respect is likely to be more hopeful than the majority of the general public.

There remains a wide gap between believing that a particular style of correctional programming is effective and proving its effectiveness. Many writers on this subject have come to rather pessimistic conclusions. The following comments, made at the conclusion of an analysis of one hundred studies of "correctional outcome" (adult and juvenile) are typical:

"Since positive results were indicated in roughly one-half the total sample of one hundred reports analyzed, the problem of interpretation is not unrelated to that of determining whether the cup is half empty or half full. But when one recalls that these results, in terms of success and failure of the treatment used, are based upon conclusions of the authors of the reports themselves, then the implications of the findings regarding the effectiveness of correctional treatment become rather discouraging. A critical evaluation of the actual design and the specific research procedures described in each instance would substantially decrease the relative frequency of successful outcomes based upon reliably valid evidence. Therefore, it seems quite clear that, on the basis of this sample of outcome reports with all its limitations, evidence supporting the efficacy of correctional treatment is slight, inconsistent, and of questionable reliability...

"But how can we account for the apparent fact that although the operational means and resources of correctional outcome research have substantially improved, there has been no apparent progress in the actual demonstration of the validity of various types of correctional treatment? There probably could be no one answer to this question which at least for a period, must remain unanswered. However, one or more of the following explanations may be suggestive:

"1 - There is the possibility that reformative treatment is really ineffectual either in its own right or as a consequence of the ambivalence of the crime and punishment setting in which it takes place:

"2 - One may hazard that much of the correctional treatment currently practiced is not corrective and that little of the rehabilitation work being done should be dignified by the term <u>treatment:</u>

"3 - It may be that some types of correctional treatment are really effective with some types of individuals under certain conditions, but so far we have been unable to operationally describe the independent variable (treatment), reliably enough to identify in terms of treatment response the type of behavioral patterns being treated, adequately control the conditions under which such treatment takes place, or reliably delineate and measure relevant indices of the dependent variable:

"4 - Perhaps much of the reformative treatment currently practiced is based upon the wrong theories of delinquent and criminal behavior."

(Walter Bailey, "Correctional Outcome, An Evaluation of 100 Reports", p. 157).

Bailey's survey included both residential and community-based programs. In the measurement of changes of the behavior of juveniles who have been incarcerated the most commonly used criterion is recidivism - return to the same or another institution on a new charge or for a parole violation. Yet administrators of correctional institutions, as well as many other observers, feel such a standard is an unfair one. The use of parole violations has been especially criticized since it is well known that standards of behavior expected of parolees are higher than those for the general population and because a parole officer has greater opportunity to observe misbehavior.

Those juvenile correctional institutions operated by public agencies normally have no control over their intake. It is proverbial that they must accept all cases referred from the courts and do the best they can with young people other agencies have failed to help. For instance in New Jersey there is an innovative residential program at Highfields which has served as a model for other institutions.

Highfields carefully controls its intake and when it finds it has admitted a boy who "cannot accept the program" (which makes extensive use of group therapy and encourages the growth of internal controls) he is quickly referred back to court. Under ordinary circumstances the boy is then placed in a traditional institution for

delinquents in which little individual or group therapy is attempted. The recidivism rate of Highfields' boys is very low when compared to that of Annandale, a more traditional institution, but when the so-called "program failures" are added in, the records appear much the same.

In California the Youth Authority has engaged in considerable research in an effort to find methods by which inmate stay can be shortened. A series of small experimental cottages and other institutions have been established in which different types of delinquents live for three to five months in "therapeutic communities" which are varied to meet the needs of the residents. Results, as measured by recidivism rates, are usually better than those of more traditional institutions, but even when they are approximately the same the experiment has been considered successful. Although staffing costs of these facilities are relatively high, the Youth Authority feels that the quicker turnover in these programs makes it possible to work with more delinquents while maintaining either the same or improved levels of effectiveness. Thus a kind of "cost-benefit" method of assessing correctional programs is taking shape which relies in part on recidivism rates but employs other measurements as well.

Some writers on the evaluation of correctional enterprises have come to the conclusion that one significant factor in this negative picture is the attitude of society as a whole toward the released offender. In recent years the literature has been rich with appeals to correctional leadership to develop some kind of posture toward the general public which will rehabilitate the "image" of the man or woman coming back to the community. A recent study of Youth Service Board wards includes the following observation:

"If innovative efforts to create a more therapeutic climate are successful, then there emerges the problem of communicating that success to the broader public...The problems of stigma will remain unless substantial efforts are made to create a better climate of public opinion and specifically to develop programs that encourage employers and others to accept former inmates back into conventional roles."

(Marcia Baum and Staunton Wheeler, "Becoming an Inmate," Controlling Delinquents, pp. 184-185).

The simple incarceration of juveniles who have been adjudged delin-

quent has not proven to be in itself a reliable technique for changing their modes of behavior. Modifications of the traditional institutional setting have been developed which, combined with more meaningful ways of classifying offenders, may prove more effective. However, a few months or years, even in a humane and well-planned correctional program, can not be counted upon to undo the damage done by years of social or emotional deprivation. It is regrettably true that the communities from which these offenders have come set their faces against them when they return, and in all too many cases force them to return to their old ways of behavior since no other socially approved alternative is offered.

The Future of Youth Service Institutions

With the passage of Chapter 838 of the Acts of 1969 the reorganized Department of Youth Services assumed the responsibility of operating a number of institutions for the confinement of juveniles who have been adjudged delinquent. Despite the best efforts of many devoted employees the system as a whole has for some time been considered ineffective in changing the behavior of juveniles. This reputation is based upon anecdotal evidence for the most part, since it has proven very difficult to obtain data of a statistical nature. Studies by the United States Children's Bureau, a special committee of the State Senate, a committee of experts appointed by the Massachusetts Committee on Children and Youth, and other less formal bodies have criticized the management and program of almost all these facilities. During fiscal 1968, a total of $6,828,596 was spent to maintain them. Despite this considerable investment it was generally agreed that staffing was inadequate and salaries at all levels were not sufficient to attract and keep well-trained personnel.

The institutions under the control of the Department of Youth Services, include:

1. Reception-Detention Centers in Boston, Worcester and Springfield, Boston has two such facilities, one of which is set aside for girls.
2. John Augustus Hall, in Oakdale, intended for younger boys.
3. Lyman School in Westborough for boys aged 13 to 15.
4. The Industrial School for Boys, located in Shirley, which is intended primarily for older delinquents.
5. The Industrial School for Girls in Lancaster, which as the only state-operated institution for female delinquents must accept girls of all ages.
6. The Institute for Juvenile Guidance in Bridgewater which is set aside for the management of mentally ill male delinquents and boys who become custodial problems at other institutions.

7. The Stephen L. French Youth Forestry Camp at Brewster for older boys who volunteer for the work program and who are considered likely to profit from it.

Between 1964 and 1967 the Governor's Advisory Committee on Law Enforcement recorded a decrease of 23.4% in commitments to these institutions. It is widely believed that judges had become increasingly reluctant to commit young people to the Youth Service Board, the predecessor of the new Department of Youth Services. Statistics presented in a previous section of this report showed that in the year 1967 only 3.6% of those arrested, were committed either to the Youth Service Board or the County Training Schools. Using approximate figures for the entire Massachusetts population, ages 10-17, it may be calculated that only 113 of every 100,000 young people were incarcerated in 1967.

In the many reports on this institutional system which have appeared over the past few years a great deal of attention has been paid to problems of administration and management. The exceptionally low salaries, the relatively small number of professional positions at some institutions, the long-continuing vacancies in many of the existing professional positions were all detailed at some length. The result, as might be expected, was that there were few persons in administrative, child care or clinical positions who were appropriately trained for their work.

This is not to say that there have not been many criticisms of administrative practices unrelated to staffing and salaries. Yet it seems fair to say that these have remained the central issues.

This is not the result of relative indifference on the part of one or two recent Legislatures. On the contrary, these institutions have for decades ranked far below mental hospitals, public health hospitals, and adult correctional institutions in the proportions of public support devoted to their needs.

The reorganization of the Department embodied in Chapter 838 has placed before the Legislature an opportunity and a new incentive to raise the priority of support given to these institutions. It is well to remember that the personnel deficiencies which existed when the reorganization legislation passed will continue to exist, until greater support is available. It is not to be expected that the neglect of decades will be remedied in a year or two. The commitment to increased resources must be a long-term one.

In the Report of the Governor's Committee on Law Enforcement

dealing with juvenile delinquency there are several programmatic recommendations relating to Youth Service institutions. It is proposed that the entire program of academic, remedial and vocational training available in the institutions be reevaluated by persons outside the system. In particular the vocational program should be strengthened by the use of vocational counselors during the reception process, providing training for occupations in immediate demand and by providing both parole officers and released youths with more up-to-date and realistic information regarding employment opportunities.

A more far-reaching recommendation is that the Commonwealth should begin at once to develop a number of small residential facilities to serve as alternative placements for young people who are not likely to be custodial problems. At the present time many neglect cases, "wayward children" and children whose symptoms of emotional disturbance are not markedly anti-social must be placed in Youth Service institutions because of the lack of other appropriate facilities. The Committee's recommendation is significant since it advances the idea that Massachusetts should take the responsibility for housing these young people in a setting which will not generally be interpreted as a place of incarceration. If such institutions are small enough so that each child can be given individual care and attention by skilled child care personnel, the likelihood of favorable behavioral changes will be enhanced.

In a certain sense it is unfortunate that this proposal had to be developed by a source outside of the then-existing Youth Service Board. It must be viewed against the background of the lack of variety found in the state-sponsored facilities. Only Bridgewater and the French Forestry Camp provide services intended for a differentiated population. Reading descriptions of the treatment and other activities in each of the age-graded institutions for boys leaves one with the feeling that transfer from one institution to another as the youth grows older may seem to him as the natural, even the expected, course of events.

Examination of the available evidence leads one to the conclusion that Massachusetts institutions have for a long time been programmed to deal with one particular type of delinquent - the boy or girl who may have dabbled in antisocial behavior but who is not "committed" to such behavior either by temperament or because of social milieu. With educational opportunities and fatherly guidance the young person has it "within himself" to become a decent, law-abiding lower middle-class citizen.

In all likelihood many youths of this type were once committed to

the state institutions. In the present day, however, it has become the practice of most judges who see any evidence whatsoever of such internal strengths, to put the boy or girl in the care of a probation officer. Commitment to Youth Service facilities is now reserved for those guilty of extremely violent or repeated anti-social behavior, those for whom the home environment seems directly related to the offenses the youth has committed and those cases in which the judge despairs of finding any practical alternative placement.

There is an apparent need for the new Department of Youth Services to turn away from the creation of virtually identical congregate facilities and begin the difficult job of differentiating among the styles and types of adolescents being committed to its care. Obviously there will continue to be a necessity for institutional care ensuring security for a small number of young people but there is a more pressing need for a variety of other types of residence which will be planned to deal with youths' emotional, educational and social problems.

In developing a variety of services and placements the Department of Youth Services will be greatly in need of assistance from many other state agencies, especially the Department of Mental Health. This Department will be called upon to provide residential treatment for emotionally disturbed children and adolescents who will remain wards of the Department of Youth Services. In addition, many retardates now committed to Youth Services institutions will in all probability be transferred to the care of the Department of Mental Health. It is well known that state-operated facilities for mentally ill adolescents are already strained far beyond their capacities. Since development of new institutions is a lengthy process, it is to be hoped that there will be an intensive effort on the part of both agencies to begin planning new services as soon as possible.

Yet even if an array of new and effective services are brought to bear upon the problems of these wards of the state, they will avail little unless the community is willing to receive the releases. The doors of the Youth Service institutions swing both ways, and <u>everyone</u> committed to them eventually departs. What happens then is of vital importance. The Report of the Children's Bureau had many recommendations relative to post-release services, emphasizing the need for both adequate parole supervision and for the encouragement of less punitive attitudes on the part of school administrators, potential employers and similar gatekeepers in other areas.

What arises, naggingly, is the problem of social roles for these young people. For those young enough to return to school the role of "student" is available under certain conditions if they are not educationally retarded out of all proportion to their age, if the school system is willing to take them in, if their own personality is adequate enough to handle the inevitable teasing of peers, and most especially if the teachers and administrators have the training and the human qualities necessary to act appropriately.

For the older boy or girl who is above school-leaving age, or who is so academically retarded that school enrollment would insure failure, the approved social roles are even harder to come by. Some manpower training programs have made a speciality of recruiting adolescents and young adults recently released from institutions, but such efforts, while praiseworthy, can serve only a small number. This situation challenges educational and social agency leadership to develop programs that will bind the releasee to the community rather than isolate him. There is conclusive evidence that the more a formerly institutionalized offender experiences stability in life style, occupation and recreation, the more likely he or she is to retain and build upon that stability. It is only by the creation of this sort of stability that true "public safety" can be attained.

IV. SUPERVISION IN THE COMMUNITY

In Massachusetts, as in other states, a judge is more likely to decide that a juvenile will profit more from supervision within the community than he will from incarceration. Under ordinary circumstances the judge will assign the youth to a probation officer whose function is officially described in the following way:

"In Massachusetts the function of the probation officer is, as adjunct of the law enforcement structure, to assist the court in the maintaining of those standards of order prescribed by the public through its legislators as encoded in the constitution and statutes ...his supervision techniques, with respect to those placed in his charge by the court, include individual casework, group work, community organization, education and recommendation as to removal from the community of those individuals who cannot or are not willing to meet the prescribed standards...supervising constructively the child or individual who has been placed on probation or under supervision by the court to the end that his conduct will be acceptable to society and give satisfaction to the individual himself." (Mass. Commissioner of Probation, Police and Probation Procedures in Juvenile Cases, Guidelines, p. 7).

In Lamar Empey's Alternatives to Incarceration the point is made that when correctional philosphy changed from imposition of banishment or physical punishment to imposition of long prison sentences it was regarded as a revolutionary departure from tradition. In the late 19th century a second revolution occurred which replaced a philosphy of punishment by simple physical restraint with one of changing the future behavior of the prisoner. Now what Empey calls the "third revolution" is beginning which takes as its goal reintegration into the total community. A crucial feature of this new philosphy is the belief that the rehabilitation of the individual must be tested by placing the offender within a social and cultural milieu natural to him, observing the results, encouraging law abiding behavior while at the same time encouraging the community to accept the offender. In some, but not all, cases this effort is to be preceded by a shorter or longer period of residence in an institution as a first step in changing the offender's behavior.

The development of community programming in general, and probation services in particular, has been rooted in this belief. The experience of institutionalization, it is felt, is for most children and youths an experience which either reinforces or at least leaves undisturbed their likelihood to behave in an anti-social manner. In this view work with parolees is more difficult in part because they are returning to the "real world" after living for a shorter or longer period in the artificial society of a correctional institution. The work of the probation or parole officer is difficult enough, in any case, since he must be alert to all aspects of community life which might affect his clients either for good or ill. Empey describes the philosphy underlying probation as "a highly complex mixture of psychotherapeutic theory and older concern with helping the offender adjust economically and socially to his environment...the ideology of probation is broad and amorphous, one of generalized beneficence."

(Lamar Empey, Alternatives to Incarceration, page 32.)

The evaluation of probation services suffers from precisely the same problems of hazy definition and lack of standardized criteria that plague the evaluation of institutional programs. Despite these difficulties of interpretation there has grown up a widely accepted feeling that probation is relatively more effective as a method of changing behavior. On this key issue Empey summarizes the evidence:

"Despite its wide use there are surprisingly few studies of probation effectiveness and surprisingly few record systems by which such studies could be made. In a summary analysis of 15 probation studies conducted in a variety of jurisdictions Ralph England found reported success rates to vary between 60 and 90 per cent. A survey of probation effectiveness in such states as Massachusetts, California, and New York, as well as in a variety of foreign countries, provides similar reported results with the modal success rate at about 75 per cent.

"These findings are not totally valid because they were not obtained under controlled conditions nor were they supported by data which distinguished among the types of offenders who succeeded or the types of services that were rendered. Nevertheless the success rates were rather uniform and relatively high and cannot, therefore, be discounted totally. They are a product of a variety of kinds of probation administered in different times and places. Even when interpreted skeptically, therefore, they raise some real issues relative to current policy and practice which can only be answered through further use of the technique accompanied by research and experimentation." (Empey, op. cit., p 32)

Probation Services in Massachusetts

It is difficult to say exactly how many young men and women are put on probation in Massachusetts each year. In calendar 1967 a total of 2986 were formally placed on probation but in addition a large number were informally placed. In the previous section it was assumed for statistical purposes that all the 4978 juveniles whose cases were continued were taken under supervision by a probation officer on this informal basis. This would mean that over 7900 juvenile cases were opened by probation officers in 1967.

In Glosband's survey of juvenile cases it was found that on December 31, 1967 there were 10,019 juveniles in formal or informal supervision by Massachusetts probation officers. This was an average of 92.8 cases per juvenile officer, somewhat above the national average of 71.0-80.0. The Children's Bureau recommended standard is fifty cases per worker.

Glosband also discovered that in only three districts or courts did male juvenile officers have this low a caseload. On the other hand, nineteen courts and districts showed female juvenile officers with a fifty-or-below caseload. However, Glosband points out that "most female juvenile officers handle some adult cases, many informal cases and all of the neglect cases in their jurisdictions." (Glosband, op. cit. pp 71-72)

It has been estimated that the Commissioner of Probation needs nearly one hundred additional juvenile probation officers. This shortage of probation workers is directly related to the complicated and cumbersome process which must be completed before a probation officer can be employed.

Judges of the district courts initiate requests for additional officers, frequently on the recommendation of the Commissioner of Probation, who has statutory power so to recommend. These requests are submitted to the county commissioners of the county in which the court lies. The Commissioner sometimes strikes out or modifies such a request before submitting the county budget to the Legislative Committee on Counties, a body authorized to increase, reduce or delete items, and thus, in effect, the de facto arbiter on county budgets

Once reported on the floor of the Legislature, these budgets are seldom changed substantially. Only after favorable legislative action has been taken and the Governor has signed the county budgets into law may the judges appoint new probation officers.

This process results in the introduction of factors of Byzantine complexity. County employees generally are not appointed through merit system procedures, nor has any tradition developed in Massachusetts of considering county jobs "out of bounds" for patronage seekers. Fortunately this statement does not apply to probation officers' jobs which have become, through the years, substantially defined as "out of bounds." However, the proposed probation positions frequently become counters in the negotiations between county officials, legislators, county employees, state officials and interested bystanders. The result is that these positions can be, and indeed are, deleted from the budget not on their merits but because their deletion will in one way or another affect negotiations on other matters. Since at the best of times decision making in the budget process is conducted in an atmosphere of semi-conspiratorial confusion, it has often proven difficult to re-insert these positions, even after the original dispute has been resolved.

As an alternative to this method of budget making it has been suggested that the Commonwealth should assume the costs of the entire judicial system. This is a step which has long been advocated by many persons close to the field of law enforcement and court services. Obviously this would be a question of public policy which would be discussed in a context far larger than the provision of probation services for juveniles. In that context, however, it would replace the approval of the county commissioners with the approval of the analysts of the State Budget Bureau. It would also have the effect of making probation and other court services the subject of debate in the context of the General Budget of the Commonwealth.

It should be understood that this step would not in itself solve all present problems. For instance an immediate problem is presented by the relatively low rates of pay paid to probation officers. The starting salary in Suffolk County has been set at $7685 while in other counties it is $8290. Salaries in other types of related work have been increasing; it is important that the Commissioner of Probation be able to recruit an adequate number of qualified persons as juvenile and adult probation officers.

In an attempt to ease the present shortage of probation workers, legislation was enacted in 1967 which would allow the District Courts to employ persons as "deputy probation officers" who did not meet the existing educational or age requirements. It was believed that this would allow the employment of men and women of working-class background who would feel deeply committed to and rewarded by this work and who would communicate well with offenders from low-income families. Except for the District Court of Eastern Norfolk this program has not been enthusiastically embraced by the district courts. The Governor's Committee has

recommended that the courts move to implement this legislation.

Massachusetts is fortunate in that its standards for the appointment of probation workers are among the highest in the country. They include the requirement that every probation officer have a college degree and be at least twenty-five years of age. The Governor's Committee has recommended that they can be improved even further by providing Commonwealth-sponsored scholarships to institutions of higher education and providing orientation programs for all new officers. In this connection Northeastern University and other institutions of higher education have developed new training programs for law enforcement personnel and probation officers specializing in work with juveniles. For training efforts to be expanded the Legislature must provide more budgetary support to the Office of the Commissioner of Probation.

Intensive Supervision in the Community

Accepted standards of probation work include measurement of the number of contacts and home visits advisable to meet the special needs of the client. Any probation worker, no matter how large his caseload, will of necessity supervise some individuals more intensely than others. In that sense, at least, all probation officers conduct "intensive" supervision.

A different type of intensive program has grown out of the evident need of many juvenile offenders for great amounts of attention, the importance of supplying new and socially acceptable roles to replace those associated with delinquency--especially delinquency in gangs--and the realization that separating these youths physically from their normal environment for a limited amount of time would prove beneficial. In these the terms of probation require that the juvenile participate in a community-based program of education, recreation and work as part of a relatively small group of peers. The term "supervision" seems inadequate to describe the process. In actuality it is an attempt to create for these adolescents a totally new environment that will fully absorb their attention while at the same time giving them an opportunity to participate in constructive and rewarding activities.

The assumptions on which these programs are based have been summarized by Empey in the following fashion:

1- That most older delinquents who reach the courts are from low-income homes.

2- That their lives have been characterized by failure at school and at work.

3- That membership in a delinquent group has become for the individual delinquent an alter-

native method of obtaining social status, economic support and emotional satisfaction.

(Empey, op. cit; pp. 37-38)

Given these assumptions, the thrust of such programs is to provide an individual or entire delinquent group with an opportunity to make decisions, solve problems and demonstrate internal controls as a way of winning meaningful rewards. An example of this is a Minnesota program which each year challenges a group of delinquent boys to plan and execute a long raft trip down the Mississippi. The counselors, who supervise the planning and accompany the boys on the journey, have documented a number of cases in which participating in this romantic exploit drastically changed the delinquents' outlook and behavior.

The Essexfields program in New Jersey, while less dramatic, also involves juveniles in organized constructive activity. The following description gives the flavor of Essexfields and similar programs which aim at the total replacement of "street life".

"The Essexfields program is operated in an old row house in a high delinquency area of Newark. One of the professional staff members lives there, but otherwise the run-down old residence has to provide very little comfort. . .

"Many of the Essexfields boys live within walking distance of the building. Others have a short bus ride every day, but all are due at the building at 7:30 each morning with their breakfast eaten at home. Promptly at 7:30 their work supervisor drives the twenty boys in Essexfields' own bus to the mental hospital where a 400 acre campus easily offers enough maintenance work to keep them busy. The hospital furnishes the noon and evening meal to the boys and their work supervisor at no charge to Essexfields. After eating supper they return to Essexfields building and at 7 PM the first discussion session begins. When the second session concludes at 10 PM all the boys go home. On Saturdays they report as usual at 7:30 but spend their morning in cleaning around the building and are free to go home from Saturday noon to Monday morning.

"The boys' nightly absence from the tightly controlled program has not been a major problem, for when they have been doing hard manual work all day they are usually going to spend their remaining night hours in sleeping. At best, their available time for sleeping would be only from about 10:30 PM to 6:30 AM. The Saturday noon to Sunday break is more of a threat to the synthetic culture of the program, for this can permit a substantial contamination each weekend by the street culture. However, it can be useful in testing a boy's growing strengths." (Paul Keve, Imaginative Programming in Probation and Parole, pp. 163-164)

In Massachusetts intensive probation is embodied in the Citizenship Training Group Inc. which is associated with the Boston Juvenile Court. It is funded both by the Boston Juvenile Court and by many private organizations and businesses. The program is described by Keve:

"On a selective basis about 15 per cent of the boys placed on probation are assigned by the court to the CTG as a condition of probation. Each boy so assigned must attend the program for two hours after school each weekday for twelve weeks. It is an open-ended group program, able to operate with boys entering it at any time instead of keeping intact groups. The two hours each day are filled with a mixture of educational, recreational and creative activities interspersed with medical and psychological testing, casework interviews, and group discussions. . .

"While a boy is in the CTG program the staff there takes full responsibility for working with him. At the end of three months he is returned to court for action, which usually means he is put on the regular probation caseload. Ordinarily the boys assigned to CTG are those who especially need the close supervision. About twenty-five boys can be accommodated at any one time. The boys are required to come directly after school in the afternoon and they go directly home afterward." (Keve, op. cit., pp 108-109.)

In addition to these activities CTG runs a summer day camp for both the currently assigned boys and the "old boys" who have completed the program. In evaluating the program, the Governor's Committee on Law Enforcement said:

"During the period 1936-1963, 2,371 boys participated in this program. A self-evaluation conducted by the Executive Director indicated that 59.4% of all participants in the program and 80% of all those completing the program were never again recorded as either juvenile or adult offenders." (Governor's Committee on Law Enforcement, op. cit; p. 35.)

The Governor's Committee has recommended that "Funds be appropriated to the Commissioner of Probation to establish programs of intensive supervision and service in communities which have a serious delinquency problem. Such a program should be funded both by public and private sources." (Ibid, p. 36.)

Other observers, however, have maintained that the chief strength of CTG is its quasi-independent status as a private corporation. While this has entailed the need for continuous fund-raising it has also allowed much freedom to initiate new programs. Those holding this view feel that steps towards the creation of similar programs should be taken elsewhere by local organizations and community leaders, who would work

closely with the Commissioner of Probation and with the judges of the local courts.

Regardless of the organization or financing, it is to be hoped that the task of developing programs modeled upon the CTG will soon be undertaken. The Committee on Law Enforcement and the Administration of Criminal Justice has recently announced that one such program will be funded in the near future in a community yet to be selected.

Probation services, which have provided the focus of the discussion thus far, are by no means the only community services available. In the next section an attempt will be made to describe briefly a variety of other activities which have as their common purpose working with young people who have gotten into serious trouble.

Other Community Services

The difficulties facing a boy or girl who has been released from one of the Youth Service institutions have already been described. The newly organized Department of Youth Services will have the responsibility of providing aftercare for all releasees whose terms of commitment have not expired. The aftercare services provided in the past have often been criticized as ineffective, although to some extent this ineffectiveness has reflected the unwillingness of family and community agencies to accept the offender's return.

As a result of the declining number of commitments to Youth Service institutions there has been a resulting reduction of the number of persons on parole. Despite this, caseloads have remained unacceptably high. The "educational counselor" program, which is in effect a program of intensive parole supervision, has demonstrated the greater effectiveness of well-trained workers with small caseloads. Even should the number of institutional commitments decline further there will remain a need for additional parole workers so that caseloads may be reduced.

It is to be hoped that there will be a greater emphasis on pre-release planning at the various institutions. It is often necessary to evaluate the readiness of a family to accept the return of the offender from an institution, and foster or group home care must sometimes be provided. The difficulty of this work has been emphasized previously in this report, but this would seem to be all the more reason for providing well-trained and well-paid specialists for the task.

The provision of mental health diagnostic and treatment services to juvenile offenders on an outpatient basis is considered one of the more significant community-based services. Unfortunately the evaluation of such services is as hampered by problems of definition as are all attempts at evaluation in this field. In the Task Force Report on Juvenile Delinquency of the President's Commission there is a review of the available evidence. Very mixed results are reported. Guided group therapy, such as that used as part of the Essexfields program, has proven to be effective with habitual offenders. Longitudinal studies of court clinic caseloads in Wayne County, Michigan, have shown such inconsistent results that clinic effectiveness could be neither proven nor disproven. There is some reason to believe that traditional forms of psychotherapy are quite effective with more seriously maladjusted children but that these same methods fail to change the behavior of those youths who feel comfortable and rewarded in the delinquent role. (Information abstracted from: Hyman Rodman and Paul Grams, "Juvenile Delinquency and the Family: A Review and Discussion", in Task Force Report, pp. 208-209.)

A few years ago the State of California opted for a long-term effort to discover what could be done to coordinate diagnostic findings with systems of therapy or management. In a series of studies they have developed descriptions of nine "styles" of delinquent, many of which seem to be congruent with other typologies in the literature. An attempt is being made to work out a "style" of supervision for each type which may be used either in an institutional or community setting.

The use of personality tests for diagnostic purposes is scarcely revolutionary. The California research has concentrated upon the administrative and technical problems that frequently prevent the constructive use of psychological or social background studies. Anecdotal evidence indicates that failure to use such studies to the best advantage often results from misunderstandings between professionals or from the lack of workers with appropriate training. Also, findings have shown that the simple device of lowering caseloads seems to make many workers more effective at changing client behavior.

In Massachusetts our mental health services for juvenile offenders are provided in the context of court clinics. While psychiatric consultation has long been available to the Boston Juvenile Court it was not until 1956 that the Department of Mental Health established the first clinic associated with a district court. In addition to providing diagnosis and therapy such clinics serve as sources of consultation on hospital commitment and on private sources of treatment for specialized problems. They also may conduct training courses for the court staff.

The problems of the court clinics are essentially the familiar ones of shortages of qualified personnel and the lack of feasible alternatives to incarceration in some sections of the State. The Governor's Committee on Law Enforcement recommends that:

"Court clinics be extended to all district courts of the Commonwealth. In regions where qualified professional personnel is scarce, court clinics should share professional staff with regional mental health programs." (Governor's Committee on Law Enforcement, on. cit; p. 35.)

In fact there is evidence that on an informal basis all district courts now are making use of at least some psychiatric consultation. In some areas the number of professionals is so small that more formal arrangements are, for the moment, impractical. However, the demand for formal clinics is very great. In the summer of 1969 there were five district courts attempting to arrange for the establishment of clinics. The recommendation remains an excellent long-range goal but not one which can soon be reached.

An evaluation by Teele and Levene of psychiatric services for children in the Greater Boston area, including a court clinic, has presented this dismal picture:

"No priority is given to the patient who manifests delinquent or pre-delinquent behavior. Even court psychiatric clinics treat only about one-third of the juvenile offenders referred to them. What agency then, is making an all-out effort to meet the problem of delinquent children?" (James Teele and Sol Levene, "The Acceptance of Emotionally Disturbed Children for Psychiatric Service", in Wheeler, Controlling Delinquency, p. 125.)

Teele and Levene also detail instances of non-acceptance of potential clients by psychiatric clinics. Unfortunately the shortages of services which they document are national rather than local, indeed it is likely that the Boston area does a better job of providing services than most metropolitan areas. The grim probability is that staff shortages in the mental health professions are going to get worse before they improve, and that in the immediate future psychiatric services for delinquent children will continue to be inadequate in their coverage.

V. PROGRAMS FOR PREVENTION OF DELINQUENCY

The term "delinquency prevention" has taken on so many unrelated and contradictory meanings that definition has become almost impossible.

For the general public it almost certainly implies preventing the violent anti-social behavior and vandalism that arouses its greatest fears. Scholars in the delinquency field, on the other hand, equate it with enhancing emotional health or providing new opportunities and roles to older adolescents. Many different specialized services have been advocated on the grounds that they would reduce or eliminate delinquent behavior. The typical pattern of such programs has been that they have been conducted on a demonstration basis and have seldom survived beyond their initial period of funding. Beyond doubt these efforts have usually had some beneficial effects on the young people fortunate enough to live in the target area. However, the technology of prevention has not developed to such an extent that a "package" of successful programs has been widely accepted as necessary in all large communities.

Some proponents of prevention programs have attempted to concentrate their efforts in areas where many delinquents are known to live. Others have attempted to identify pre-delinquent children in the primary grades and then have directed remedial programs directly at these children either in school or in some community setting. In either case the assumption has always been that the services should be tailored to fit the apparent needs of the relatively small number of children who are considered a "high risk" group.

Other workers in the field have made a case for an approach which would embrace much larger geographic and social areas, such as an entire city, region or state. This would eliminate the labeling which inevitably denigrates the recipients of specialized services. Conceived of as a broad-scale primary and secondary preventive mental health program it would be targeted at children of school age as well as older adolescents. Included would be a considerable extension of the school's involvement in providing social services, an increase in clinical services from public or private sources, and a special emphasis on recreation and group work planned to give children and youth constructive experiences at times when they are not in school. Such a wide-ranging enterprise would be feasible only if administered by a well-financed governmental entity which was authorized to purchase service from other public as well as from private agencies.

In Massachusetts the Governor's Committee on Law Enforcement has recommended the establishment of Youth Resources Bureaus as the coordinators of existing services and the creators of new ones. These bureaus would be operated by boards of directors representing the various community groups serving children and young people. Financial assistance would be available from the Commonwealth, through the Department of Youth Services as well as from the Federal Government. The Governor's Committee is now actively endeavoring to obtain Federal financing for such bureaus on a demonstration basis.

These bureaus would not only encourage the development of broad preventive programs but would also provide for specialized programs aimed toward young persons who had already gotten into trouble with the law. When appropriate they would work with releasees from juvenile correctional institutions who were attempting to reestablish themselves in the community. The Department of Youth Services would be used as a source for technical assistance and state financial support, but the programs in question would be initiated by the community.

At the present time the School Adjustment Counselor program is the most single significant prevention program in Massachusetts. Established in 1955 as an activity of the Division of Youth Services it has provided a proportion of the cost of the salary of each counselor hired by local school departments. While these counselors are given assistance and advice by Youth Services they remain local school department employees.

The role of the counselors is three-fold. They are expected to work directly with children and their parents in defining and resolving behavior problems. These cases are ordinarily referred by the teaching staff. They also must serve as informal mental health consultants to the teachers and administrators. Finally they must be aware of specialized resources such as mental health clinics and private and public child welfare agencies of all kinds, and make and follow-up appropriate referrals.

In the school year 1966-1967, eleven years after the program began, there were 194 full-time school adjustment counselors in the Commonwealth, with an additional thirty working part-time. While Boston employed the largest number (31), the cities of Springfield and Worcester employed only five and one respectively. On the other hand the town of Needham listed twelve while Brookline has six. Acceptance of this program has evidently depended on local attitudes toward mental health activities and on local financial resources. Gross inequities in coverage have resulted.

The conception of the Youth Services Bureau is imaginative and constructive. The creation of such bureaus in the cities and larger towns of the Commonwealth would benefit a large proportion of the youth living in those communities. Yet the experience of the School Adjustment Counselor program warns us that total reliance upon local leadership for initiative may not assure adequate coverage.

Since the language of the Act creating the Department of Youth Services gives the Department broad powers to innovate programs in all fields, including the preventive, it might be well for that Department to take the initiative in this area.

A general state strategy should be planned which will assure all geographic areas of the Commonwealth some immediate help.

There is an even more pressing reason for suggesting state rather than local initiative. In the area outside of Metropolitan Boston there is a great scarcity of institutional and human resources needed to establish preventive services. Attempts to coordinate are fruitless if the services themselves are nonexistent or grossly inadequate to the tasks at hand. It seems far more likely that a state-led effort to develop these services would be more successful in the long run than a series of discrete and competing efforts on the local level.

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